IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

WP(C).No. 23305 of 2006(Y)

AGAINST THE ORDER IN EP.1144/2005 IN
OS.468/2003 of PRL.MUNSIFF COURT,THRISSUR

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PETITIONER:

VARGHESE, AGED 69,
S/O.ANTHONY, KALLIKADAN HOUSE,
VELUTHOOR VILLAGE, THRISSUR TALUK.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:

THE SUBERBEN CHIT FUNDS LTD.,
THRISSUR, REP. BY ITS CHIEF EXECUTIVE OFFICER
AND MANAGER K.C.JOSEPH, S/O.CHACKO,
KAINIKARA HOUSE, CHUVANNAMANNU DESOM,
PANAMCHERY VILLAGE, THRISSUR TALUK.

BY ADV. SRI.R.S.KALKURA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True copy of the execution petition 1144/05 filed by the respondent herein against the petitioner and others dated 26.5.2005.

Ext.P2: True copy of the sale proclamation issued in E.P.No.1144/05 in O.S.No.468/03 on the file of the Munsiff Court, Thrissur.

Ext.P3: True copy of the E.A.No.1727/06 in E.P.No.1144/05 in O.S.No.468/03 on the file of the Munsiff Court, Thrissur dated 8.8.06.

// True copy //

P.A. to Judge

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K.P.BALACHANDRAN, J.

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W.P.(C)NO.23305 OF 2006

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Dated this the 14th day of March 2007

JUDGMENT

Counsel for the petitioner/4th judgment debtor submits that the petitioner is prepared to pay off the entire decree debt in four monthly instalments and it is acceptable to the counsel for the respondent as well.

In the result, I dispose of this writ petition allowing the petitioner to make payment of the entire decree debt in four monthly instalments of Rs.20,000/- beginning with 15th April 2007. The first three instalments shall be at the rate of Rs.20,000/- per month and the entire balance shall be paid in the 4th instalment without fail during July, 2007. In the event of non payment of any instalment on the due date, the petitioner shall lose the benefit of instalment payment and the decree holder shall proceed with the execution. The execution now pending in the court below shall stand stayed till July 2007 or till any event happens which entitles the decree holder to proceed with the execution, whichever is earlier.

K.P.BALACHANDRAN, JUDGE

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